

FARNEY DANIELS PC

Austin/Georgetown

Dallas

Silicon Valley

1220 North Market Street, Suite 850
Wilmington, Delaware 19806
302-300-4626

www.farneydaniels.com

Minneapolis

Wilmington

July 24, 2013

VIA EMAIL

The Honorable Sue L. Robinson
United States District Court
District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Telecomm Innovations, LLC v. ATM Systems Corporation, et al.*,
C.A. No. 12-1265-SLR, C.A. No. 12-1268-SLR, C.A. No. 12-1269-SLR, C.A. No. 12-1272-SLR,
C.A. No. 12-1275-SLR, C.A. No. 12-1276-SLR, C.A. No. 12-1277-SLR, C.A. No. 12-1280-SLR,
C.A. No. 12-1327-SLR, C.A. No. 12-1331-SLR, C.A. No. 12-1333-SLR, C.A. No. 12-1335-SLR,
C.A. No. 12-1337-SLR, C.A. No. 13-0907-SLR, C.A. No. 13-0908-SLR and C.A. No. 13-0909-SLR

Dear Judge Robinson:

We write on behalf of Telecomm Innovations regarding the above referenced cases, their subsequent re-filing, and the joint letter from Defendants dated July 23, 2013. Plaintiff wishes to confirm for the Court's benefit that Plaintiff has no objection to Defendants' request for time to allow the parties to meet and confer on the issues raised in Plaintiff's Notice and in Defendants' letter. Indeed, the very purpose of Plaintiff's communication to Defendants as well as the Notice to the Court was to facilitate a dialogue between the parties with the guidance of the Court to resolve any issues that may arise with the pending and re-filed cases. (See July 19, 2013 email to Defendants attached hereto.) Plaintiff will continue to communicate with Defendants to allow meaningful evaluation of the issues by Defendants, and remains available to confer with Defendants regarding all issues.

Sincerely,



Timothy Devlin

TD/rdk

Att.

cc: All Registered Counsel (via CM/ECF)

Rob Kiddie

From: Rob Kiddie
Sent: Friday, July 19, 2013 5:46 PM
To: denise.kraft@dlapiper.com; aleine.porterfield@dlapiper.com;
brian.biggs@dlapiper.com; Devkar, Andrew V. (Andrew.Devkar@bingham.com);
richard.debodo@dlapiper.com; leon.m@dlapiper.com; airina.rodrigues@dlapiper.com;
fineman@rlf.com; Newton, Mike (Mike.Newton@alston.com);
derek.neilson@alston.com; shivan.mehta@alston.com; mflynn@mnat.com;
klouden@mnat.com; pdevinsky@mwe.com; 'Walters, Robert' (Rwalters@mwe.com);
rgorgin@mwe.com; msquire@ycst.com; Schoen, Ann G. (ASchoen@fbtlaw.com);
amayo@ashby-geddes.com; tlydon@ashby-geddes.com; sbalick@ashby-geddes.com;
pagarwal@foley.com; jfeldhaus@foley.com; jsobaje@foley.com;
rhorwitz@potteranderson.com; dmoore@potteranderson.com;
bpalapura@potteranderson.com; john.dupre@hbsr.com; kdorsney@morrisjames.com;
rherrmann@morrisjames.com; shawn@stgordonlaw.com; jflee@ltpacificlaw.com;
psykes@babco.com
Cc: Tim Devlin; Bryan Atkinson; weinblatt@swdelaw.com; Donna Hinkle
Subject: Telecomm Innovations matter
Attachments: Abraxis - Fed Cir 2010.pdf; Univ of Pittsburgh - Fed Cir 2009.pdf; Request for
Telephonic Status Conference (ID 107125).pdf

Dear Counsel for Defendants,

We write regarding an issue that has recently come to our attention concerning the '519 and '712 patents' chain of title. Attached is a Notice that we will be submitting to the Court, which contains some background on the issue, along with copies of cases cited in the Notice.

In essence, Telecomm has become aware of a potential gap in the patents' title chain, and has taken steps to address the problem. In order to avoid a potential problem with standing, Telecomm is re-filing these cases—i.e., filing new civil actions with the intention of dismissing each of the existing civil actions—and will ask the Court to effectively move forward in the new actions. (To avoid unnecessary venue fights, we have already taken the step of filing the new actions.) In other words, the state of the old cases would essentially be preserved in the new cases. As we believe you will see from the attached cases, we think this is the appropriate procedure to follow where they may be a potential chain of title issue. We do not think the proposed re-filing would create any additional difficulties for any party, given that the cases are still in their early stages. However, we are willing to work with the Defendants to make any adjustments to the schedule, etc., as needed. Please take a look at the Notice, and let us know when is a convenient time for a joint conference over the next few days. We are happy to explain our proposal in more detail and answer any questions.

Regards,

Robert Kiddie

Robert Kiddie
FARNEY DANIELS PC
800 S. Austin Ave., Suite 200
Georgetown, Texas 78626-5845
rkiddie@farneydaniels.com
Office: (512) 948-3098

This email is for the use of the intended recipient(s) only. The information contained in this communication may be confidential and may be subject to the attorney-client privilege. If you have received this email in error, please notify the sender immediately by replying to this transmission or calling FARNEY DANIELS PC at (512) 582-2828 and then delete it. If you are not the intended recipient, you must not read, use, disclose, copy or distribute this email or any attachments without the author's prior permission. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital signature.